

1 MELINDA HAAG (CABN 132612)
United States Attorney

2 MIRANDA KANE (CABN 150630)
Chief, Criminal Division

4 THOMAS A. COLTHURST (CABN 99493)
Assistant United States Attorney

5 150 Almaden Boulevard, Suite 900
6 San Jose, California 95113
7 Telephone: (408)-535-5065
Fax: (408)-535-5066
E-Mail: tom.colthurst@usdoj.gov

8 Attorneys for United States of America
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13
14 UNITED STATES OF AMERICA,) No. CR 10-00824-JW
15 Plaintiff,)
v.) STIPULATION AND [PROPOSED]
16 JORGE PLANCARTE, et al.,) ORDER CHANGING STATUS HEARING
Defendants.) FROM JANUARY 27, 2011, AT 9:00 A.M.
17) TO JANUARY 24, 2011 AT 1:30 P.M.
18) AND EXCLUDING TIME FROM
DECEMBER 2, 2010 TO JANUARY 24,
2011

19
20
21 The parties currently have scheduled before another court a status hearing on January 27,
22 2011, at 9:00 a.m., but this case has recently been reassigned to this Court and a new hearing date
23 must be set. The parties request that the status hearing be rescheduled to January 24, 2011
24 at 1:30 p.m., and that an amended time exclusion order be issued that would exclude time under
25 the Speedy Trial Act from December 2, 2010 to January 24, 2011, to permit the parties the
26 reasonable time necessary for effective preparation. Time was previously excluded from
27 December 2, 2010, through January 27, 2011, at a status hearing before the Honorable Jeremy
28

1 Fogel, United States District Judge, on December 2, 2010. The amended time exclusion order is
2 requested to reflect the January 24 hearing date.

3
4 DATED: January 4, 2011

MELINDA HAAG
United States Attorney

5
6 _____/s/
7 Thomas A. Colthurst
Assistant United States Attorney

8 _____/s/
9 Patrick S. Valencia, Esq.
Counsel for Defendant Jorge Plancarte

10
11 _____/s/
12 Peter A. Leeming, Esq.
Counsel for Defendant Angel Topete

13
14 _____/s/
15 Hugh Anthony Levine, Esq.
Counsel for Defendant David Martinez

16
17 _____/s/
18 Mary Elizabeth Conn, Esq.
Counsel for Defendant Alex Chavez

19
20 **ORDER**

21 Based upon the stipulation of the parties, and for good cause shown, IT IS HEREBY
22 ORDERED THAT the status hearing in this case be rescheduled from January 27, 2011, at 9:00
23 a.m. to January 24, 2011 at 1:30 p.m.

24 For good cause shown, the Court further finds that failing to exclude the time between
25 December 2, 2010 and January 24, 2011, would deny counsel the reasonable time necessary for
26 effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §
27 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time
28

1 between December 2, 2010 and January 24, 2011, from computation under the Speedy Trial Act
2 outweigh the best interests of the public and the defendant in a speedy trial.

3 Therefore, IT IS HEREBY FURTHER ORDERED that the time between December 2,
4 2010 and January 24, 2011, shall be excluded from computation under the Speedy Trial Act. 18
5 U.S.C. § 3161(h)(7)(A) and (B)(iv).

6 IT IS SO ORDERED.

7 DATED: January 5, 2011


HON. JAMES WARE
UNITED STATES DISTRICT JUDGE

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28